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Date: March 13, 2024

House Bill 1190 - Pesticides - PFAS Chemicals - Prohibition

Committee: Health and Government Operations

MGPA Position: OPPOSED

The Maryland Grain Producers Association (MGPA) serves as the voice of grain farmers growing corn, wheat, barley and sorghum across the state. MGPA opposes House Bill 1190 which would prohibit, beginning June 1, 2025, a person from selling a pesticide that has PFAS chemicals listed as an active ingredient on the labeling accompanying the pesticide; and prohibiting, beginning December 31, 2025, a person from using a pesticide that has PFAS chemicals listed as an active ingredient on the labeling.

This bill would functionally ban pesticides in Maryland. The definition in the bill of "A CLASS OF FLUORINATED CHEMICALS THAT CONTAIN AT LEAST ONE FULLY FLUORINATED CARBON ATOM, INCLUDING PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES," is problematic and in conflict with the working definition of the U.S. Environmental Protection Agency (EPA).

Pesticide regulation is a function of the U.S. EPA where a pesticides must undergo full disclosure of ingredients as well as a human health and environmental risk assessment prior to being registered. EPA has release a workplan in their Strategic Roadmap to addressing PFAS contamination by the end of 2024. EPA has already taken several actions on PFAS in pesticides as it relates to fluorinated containers and inert ingredients. We believe addressing potential PFAS in pesticides is a function of EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and will be addressed at the federal level.

This committee requested a report from the Departments of Agriculture, Environment and Health and the recommendation of that committee can be summarized as following the lead of EPA. This would include using EPA's definition of PFAS and following their procedures for registration revocation. House Bill 1190 is inconsistent with the findings and recommendations of the report this committee requested.

Maryland farmers do not want to be passive users of PFAS. Unfortunately, this bill does not achieve that because of the definition. Furthermore, regulating pesticides at the state level unfairly disadvantages Maryland farmers when pesticides are limited based on non-scientifically sound and farmers in surrounding states can continue to use these important tools.

Farmers are stewards of our land and the original environmentalists. We understand and appreciate the need to avoid contributing unnecessary PFAS to the environment. However, this bill would put Maryland farmers at an unfair disadvantage. Without pesticides, many Maryland farmers would be unable to grow crops efficiently or implement certain conservation practices such as cover crops or no-till.

MGPA respectfully requests your unfavorable report on House Bill 1190.